

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

KEITON SMITH,

Plaintiff,

v.

NDOC, *et al.*,

Defendants.

Case No. 2:22-cv-00872-CDS-EJY

ORDER

On July 15, 2022, Plaintiff filed an Amended Complaint in which he alleged claims against sixteen Defendants. ECF No. 5 at 17-90. On August 4, 2022, the Court issued its order that screened the Amended Complaint and allowed claims to proceed against Defendants Kerry, Naughton, Lorenzo, Mcbec, and Cheryl. ECF No. 7 at 17. The Court also found claims may proceed against Doe Doctors A, B, C, and D, and Doe Nurse C when Plaintiff learns their true names and obtains leave of Court to substitute them as defendants. *Id.*

On February 27, 2023, the Attorney General (“AG”) filed a Notice of Acceptance of Service on behalf of Defendants Kerry McCullah, Martin Naughton, and Lorenzo Villegas who are current and former employees with the Nevada Department of Corrections. ECF No. 37. The AG provided the following complete names of the three Defendants for whom service was accepted: Defendant Kerry as “Kerry McCullah”; Defendant Naughton as “Martin Naughton”; and Defendant Lorenzo as “Lorenzo Villegas. *Id.*

The Deputy Attorney General’s filing also indicates service is not accepted on behalf of Cheryl or someone named Dennis McKee. *Id.* With respect to “Cheryl,” the Deputy Attorney General states NDOC and the Office of the Attorney General are attempting to determine this person’s identity. However, with respect to Dennis McKee, the Court is at a loss. The Court reviewed the docket in this case and finds no one named Dennis McKee listed as a defendant. *See* Docket. Unfortunately, the Deputy Attorney General’s filing does not explain whether Dennis

McKee is believed to be the person Plaintiff refers to as Mcbec. The Court should not have to issue an order requiring this explanation.

Nevertheless, IT IS HEREBY ORDERED that on or before **March 29, 2023**, the Attorney General's Office **must** file a notice explaining why it has identified Dennis McKee as a Defendant in this action, whether Mr. McKee is believed to be the individual Plaintiff refers to as Mcbec, and whether service is accepted on behalf of Defendant McKee.

IT IS FURTHER ORDERED that the Deputy Attorney General **must** file an update regarding the identification of Defendant "Cheryl" no later than **April 24, 2023**.

IT IS FURTHER ORDERED that the Clerk of Court **must** substitute the following defendants' name on the docket:

- Defendant Kerry as "Kerry McCullah";
- Defendant Naughton as "Martin Naughton"; and
- Defendant Lorenzo as "Lorenzo Villegas."

DATED this 22nd day of March, 2023.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE